

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10084 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

DEVBHAATBHAI NARANBHARATHI ATIT

Versus

CN THAKORE

Appearance:

MR MB GANDHI for Petitioner
MR PATEL for Respondent No. 1
None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/08/1999

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Challenge has been made by the petitioner, a Talati-cum-Mantri, to the order of the respondent dated 18-11-1998 annexure 'C' under which he was placed under suspension on the ground that a complaint is filed under Anti-corruption Act against him. So this suspension has

been made as the criminal case is under investigation against the petitioner.

3. Other grievance has been made that the petitioner should have been given the suitable place as his headquarter during his suspension period.

4. Learned counsel for the petitioner submits that the respondent may be directed to make the Ahmedabad city as headquarter of the petitioner during suspension period. He prays for this relief on the ground that the challan in the criminal case has to be filed in the Court concerned at Mirzapur, Ahmedabad and the petitioner may be in a better position to defend himself. Otherwise also, what the petitioner's counsel contends that making of the headquarter of the petitioner during suspension at Ahmedabad will not cause any prejudice to the respondents.

5. Learned counsel for the respondent, on the other hand, has no objection in case the petitioner's headquarter is made at Ahmedabad during suspension period. So far as the order of suspension is concerned, learned counsel for the respondent No.1 contended that there are very serious charges of corruption against the petitioner and for which a criminal complaint is there and he has rightly been placed under suspension.

6. I have given my thoughtful consideration to the submissions made by the learned counsel for the parties. In the facts of this case, where there are serious charges of corruption against the petitioner, a Talati-cum-Mantri, and the criminal case is under investigation, I do not find the order of the respondent dated 18-11-1998 under which petitioner has been placed under suspension to be illegal or arbitrary. Though an attempt has been made by the learned counsel for the petitioner that in the criminal case the petitioner has been falsely implicated, but this not the stage where to examine this aspect. This grievance the petitioner can make at the time when the matter comes up before the criminal court for framing of the charges against the petitioner. The special civil application to the extent where it relates to challenge to the order of respondent placing the petitioner under suspension is wholly devoid of any substance and merits.

7. So far as the grievance of the petitioner to make his headquarter at Ahmedabad is concerned, it is suffice to say that no such prayer has been made in this special civil application.

8. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief granted by this Court stands vacated. However, the petitioner is at liberty to file a detailed representation to the competent authority to make his headquarter at Ahmedabad during suspension period and in case such an application is filed by the petitioner, the said authority shall consider the same sympathetically and in the light of the observations made by this court and decide the same within a period of one month from the date of receipt thereof. No order as to costs.

zgs/-